



US Army Corps
of Engineers
St Paul District

APPLICANT David C. Evancheck

Public Notice

ISSUED: March 16, 2005

EXPIRES: April 15, 2005

REFER TO: MVP-2005-455-LMK SECTION: 404 - Clean Water Act

1. APPLICATION FOR PERMIT TO: discharge dredged and fill material in wetlands adjacent to a tributary to the Peshtigo River for the purpose of wetland enhancement/restoration. The project would impact degraded wet meadow wetlands by filling approximately 0.15-acre and flooding 2.7 acres.

2. SPECIFIC INFORMATION.

APPLICANT'S ADDRESS: N5648 Bagley Road
Porterfield, WI 54159

AGENT: Design assistance by:
Chuck Druckrey,
Marinette County Water Resource Specialist
Land and Water Conservation Department
Marinette County Courthouse
1926 Hall Avenue
Marinette WI 54143-1717
Direct Number: (715) 732-7780
Fax Number: (715) 732-7532

PROJECT LOCATION: The project site is located in NW 1/4 NW 1/4 Sec. 15, T. 31N., R. 22E., Marinette County, Wisconsin. The approximate Lat./Long. coordinates are:
45.1625735932 / -87.757806819

DESCRIPTION OF PROJECT: The proposal is to construct a dike approximately 410 feet long and 7.9 feet high with an inline water level control structure and a spillway across a tributary and in the adjacent wetlands. This would flood, at full pool, approximately 4.5 acres of the applicant's property. The goal is to flood the existing reed canary grass and convert much of a degraded wetland and a portion of upland to a deep-water marsh.

QUANTITY, TYPE, AND AREA OF FILL: Approximately 3000 yards of fill material excavated from a borrow area on the applicants property immediately upstream of the dike location would be used for construction of the dike. The dimensions of the fill in the wetland would be approximately 120 feet by 55 feet.

VEGETATION IN AFFECTED AREA: Primarily reed canary grass with scattered tag alder and willow. An adjacent sedge meadow (0.9-acre), which currently is supporting tussock sedge and aquatic grasses, and forbs such as swamp milkweed and Joe-pye weed, would be largely unaffected.

SOURCE OF FILL MATERIAL: Onsite.

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SURROUNDING LAND USE: Predominately agricultural. Rural residential. Recreation and forest products are also common in the general area.

DESCRIPTION OF DREDGING OR EXCAVATION: An approximate area of 0.4-acre in the wetland would be excavated for fill material to be used in the dike construction.

THE FOLLOWING POTENTIALLY TOXIC MATERIALS COULD BE USED AT THE PROJECT SITE: None anticipated.

THE FOLLOWING PRECAUTIONS TO PROTECT WATER QUALITY HAVE BEEN DESCRIBED BY THE APPLICANT: Silt fencing would be installed and hay bale ditch checks would be used to prevent sediment from moving off-site. The borrow site would serve as a sediment basin. Any excess topsoil would be stockpiled away from the wetland, protected from erosion and trucked off site.

3. REPLIES/COMMENTS.

Interested parties are invited to submit to this office written facts, arguments, or objections within 30 days of the date of this notice. These statements should bear upon the suitability of the location and the adequacy of the project and should, if appropriate, suggest any changes believed to be desirable. Comments received may be forwarded to the applicant.

Replies may be addressed to Corps of Engineers, Old Fort Square, 211 N. Broadway, Suite 211, Green Bay, WI 54303.

Or, IF YOU HAVE QUESTIONS ABOUT THE PROJECT, call Linda Kurtz at the Green Bay office of the Corps, telephone number (920) 448-2824.

4. FEDERALLY-LISTED THREATENED OR ENDANGERED WILDLIFE OR PLANTS OR THEIR CRITICAL HABITAT.

None were identified by the applicant or are known to exist in the permit area. However, Marinette County is within the known or historic range of the following Federally-listed threatened (T) and endangered (E) species:

<u>Species</u>	<u>Habitat</u>
Gray wolf (T)(<i>Canis lupus</i>)	Northern forested areas
Bald eagle (T)(<i>Haliaeetus leucocephalus</i>)	Breeding
Kirtland's warbler (E)(<i>Dendroica kirtlandii</i>)	Potential breeding in jack pine
Piping plover (<i>Charadrius melodus</i>)	Critical Habitat Designated

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Canada lynx (E)(*Lynx canadensis*)

While no resident populations are known from Wisconsin, the species occasionally occurs in northern forested areas, and counties listed are those with the highest likelihood of occurrence.

This application is being coordinated with the U.S. Fish and Wildlife Service. Any comments it may have concerning Federally-listed threatened or endangered wildlife or plants or their critical habitat will be considered in our final assessment of the described work.

5. JURISDICTION.

This project comes under the regulatory jurisdiction of the Corps of Engineers because the wetlands are adjacent to a tributary to the Peshtigo River, a navigable water of the United States.

REGULATORY AUTHORITY: This application will be reviewed according to the provisions of Section 404 of the Clean Water Act. Therefore, our public interest review will consider the guidelines set forth under Section 404(b) of the Clean Water Act (40 Code of Federal Regulations 230).

THE APPLICANT HAS STATED THAT THE FOLLOWING STATE, COUNTY, AND/OR LOCAL PERMITS HAVE BEEN APPLIED FOR/ISSUED: State Water Quality Certification.

6. WATER QUALITY CERTIFICATION.

This Public Notice has been sent to the Wisconsin Department of Natural Resources and is considered by the District Engineer to constitute valid notification to that agency for water quality certification.

A permit will not be granted until the Wisconsin Department of Natural Resources has issued Section 401 certification.

7. HISTORICAL/ARCHAEOLOGICAL.

This public notice is being sent to the National Park Service, the State Archaeologist, and the State Historic Preservation Officer to determine if there are known cultural resources, which may be affected by the described work. Any unknown archaeological, scientific, or historical data could be lost or destroyed by the work described in the permit application. However, the latest version of the National Register of Historic Places has been consulted and no listed properties (known to be eligible for inclusion, or included in the Register) are located in the project area.

8. PUBLIC HEARING REQUESTS.

Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for public hearings shall state, in detail, the reasons for holding a public hearing. A request may be denied if substantive reasons for holding a hearing are not provided or if there is otherwise no valid interest to be served.

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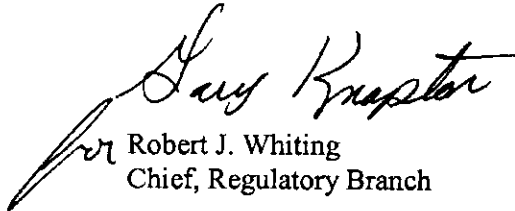
9. PUBLIC INTEREST REVIEW.

The decision whether to issue a permit will be based on an evaluation of the probable impact, including cumulative impacts, of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered, including the cumulative effects. Among those are conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production and, in general, the needs and welfare of the people. Environmental and other documents will be available for review in the St. Paul District Office.

The Corps of Engineers is soliciting comments from the public; Federal, State, and local agencies and officials; Indian tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition, or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

10. COASTAL ZONE MANAGEMENT.

The Wisconsin Coastal Management Program (WCMP) in the Department of Administration is inviting public comment regarding this project. The WCMP may conduct a Federal consistency review to verify that the project will comply with State policies in Wisconsin's coastal zone. Further information may be obtained from the Federal Consistency Coordinator at: Wisconsin Coastal Management Program, P.O. Box 7868, Madison, WI 53707-7868; (608) 266-8234. Any comments on whether or not this proposed project complies with the State enforceable policies should be received within 30 days by the Federal Consistency Coordinator.


Robert J. Whiting
Chief, Regulatory Branch

Enclosures

NOTICE TO EDITORS: This public notice is provided as background information and is not a request or contract for publication.

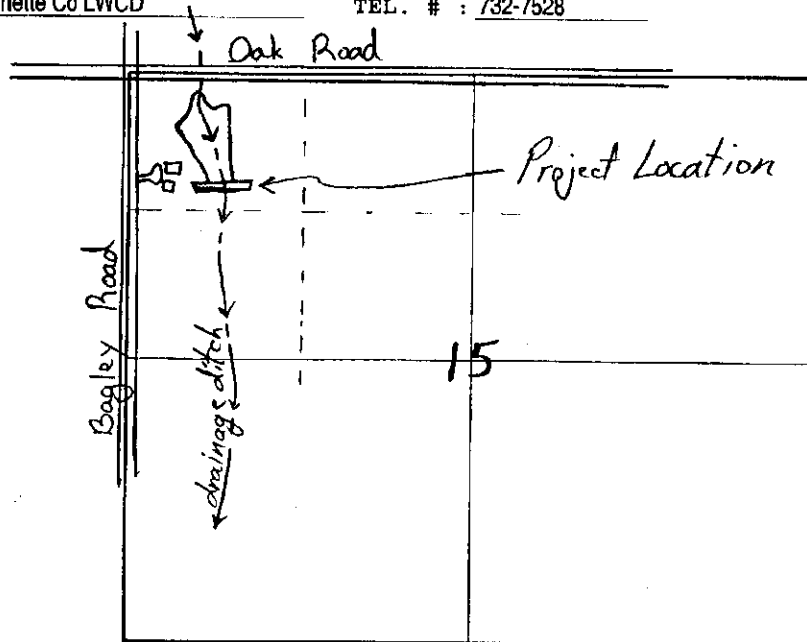
CONSTRUCTION PLAN

PRACTICE: **Wetland Restoration / Enhancement**
 OWNER: Dave Evanchick PHONE: 789-2277
 ADDRESS: N5648 Bagley Rd COUNTY: Marinette
 TOWNSHIP: Porterfield T31N, R22E, S15
 LOCAL OFFICE: Marinette Co LWCD TEL. # : 732-7528

DIGGERS HOTLINE

Call 3 Work Days
Before You Dig

Toll Free
1-800-242-8511



LOCATION MAP

**** NOTICE TO LANDOWNERS AND CONTRACTORS REGARDING UTILITIES ****

No representation is made by the USDA Natural Resources Conservation Service or the County Land Conservation Dept. as to the existence or nonexistence of underground hazards. Prior to the start of construction the owners of utilities must be notified of the pending construction. You will be liable for damages resulting from construction activities! (Call Diggers Hotline)

CONSTRUCTION DRAWINGS AND SPECIFICATIONS ACCEPTANCE

I have reviewed and do accept the attached plans. I agree to have this project constructed in accordance with these plans and specifications and to notify all affected utility companies. I agree that any changes made during construction will be pre-approved by an authorized NRCS or County agent.

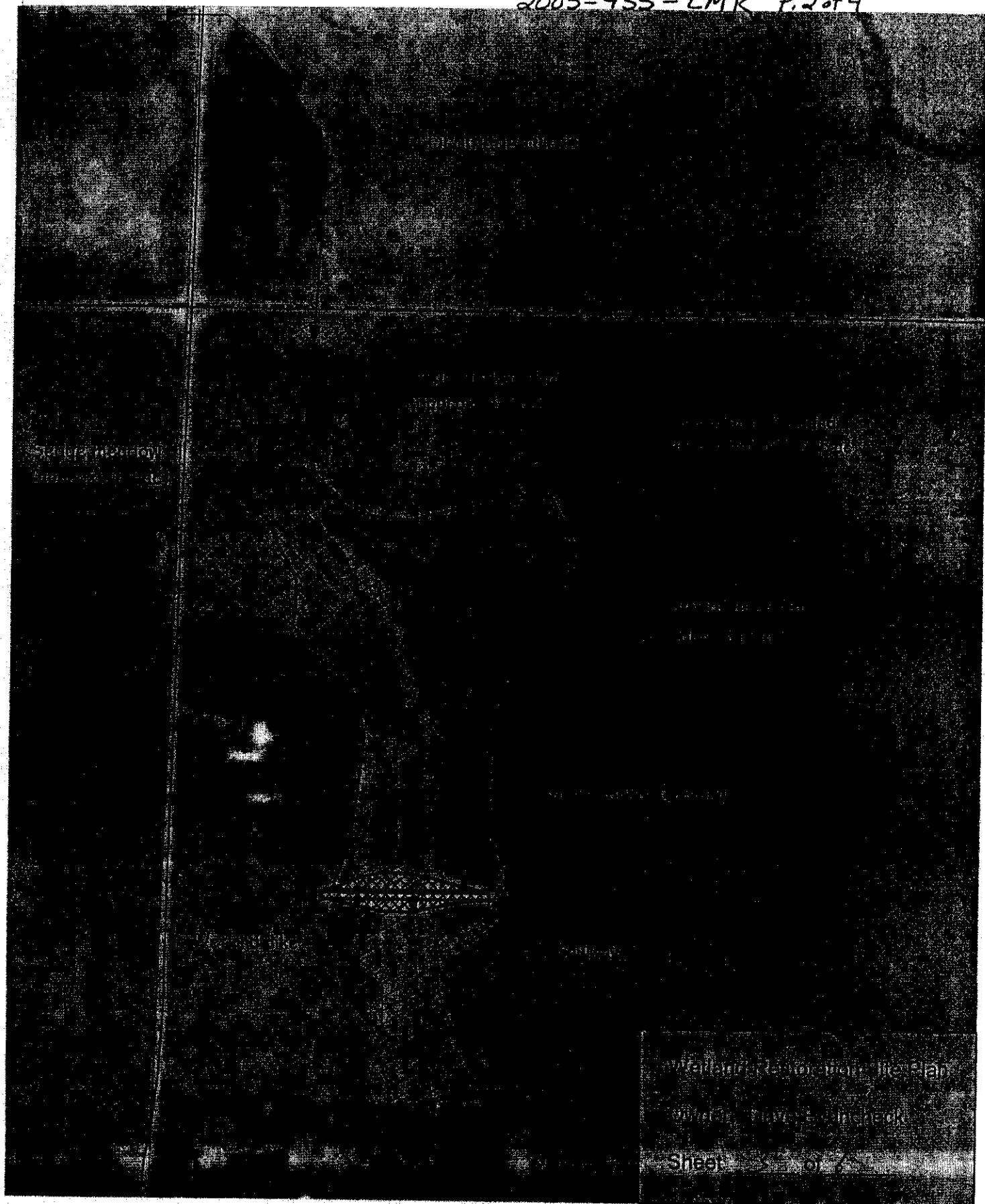
Signed: _____
 Designed by: _____
 Checked by: _____
 Approved by: _____
 Approved by: _____

Date: _____
 Date: 01/07/05
 Date: _____
 Date: _____
 Date: _____

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Dave Evanchek wetland restoration
NW 1/4, NW1/4, S15, T31N, R22E
04/98 photo Scale 1" = 200'

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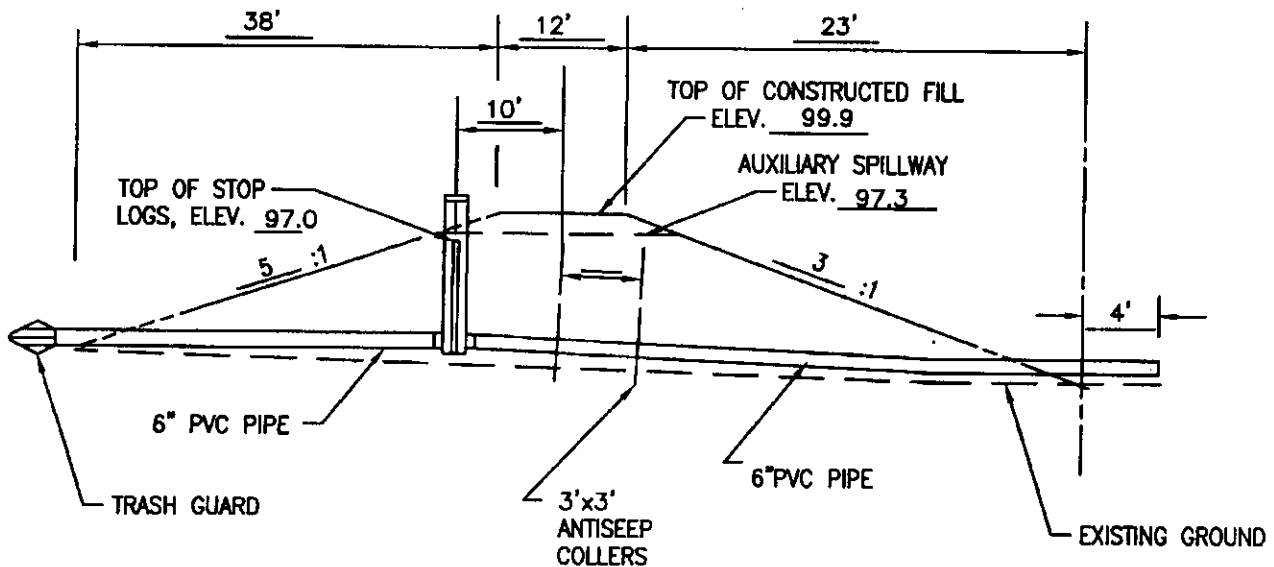


Wetland Restoration Map

04/98 Dave Evanchek

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PROFILE ALONG CENTERLINE OF WATER CONTROL STRUCTURE



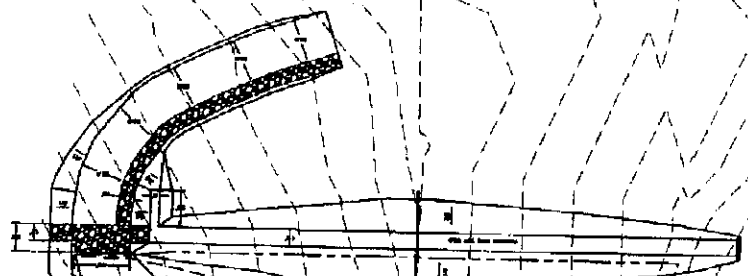
DRAWING NOT TO SCALE

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NOTES:

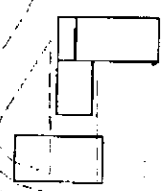
1. INSTALL WATER CONTROL STRUCTURE ACCORDING TO MANUFACTURERS INSTRUCTIONS
2. HAND COMPACT FILL AROUND PIPE ACCORDING TO WI. CONST. SPEC.
15 - PLASTIC PIPE CONDUITS

COOPERATOR <u>DAVE EVANCHECK</u>	
COUNTY <u>MARINETTE</u>	
AGRI DRAIN PREFABRICATED WATER LEVEL CONTROL STRUCTURE	
U.S. DEPARTMENT OF AGRICULTURE NATURAL RESOURCES CONSERVATION SERVICE	
Designed <u>CD</u>	Date <u>5/01</u>
Checked <u>_____</u>	Sheet No. <u>6</u> of <u>6</u>



BORROW AREA

AT FULL POOL
APPROXIMATE WATER LINE



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TM - TOP OF CONCRETE
AT CENTER OF DOOR
EAST SIDE OF SHOP

SCALE 1"=40'

DAVE EVANCHECK
OWNER
MARINETTE
COUNTY
Designed: CD
Checked:
SHEET 4 OF 6